tract. See *Trogden* v. *Williams,* 114 N. C. 10, 56 S. E. 865, 10 L. R. A. (N. S.) 867. But authority to sell specified property at a specified price, the owner promising to convey the property to the purchaser, was held to authorize a contract of sale. *Peterson* v. *O'Connor,* 106 Minn. 470, 119 N. W. 243, 130 Am. St. Rep. 618.

CARRIERS—DUTY TO PASSENGERS—DUTY TO FURNISH SEATS.—The plaintiff entered an interurban car with the intention of becoming a passenger. The car was crowded, but the plaintiff had ample opportunity to observe this before the car left the station. The conductor demanded his fare which he refused to pay unless he was provided with a seat. The car was then stopped and he was ejected. The plaintiff sued the defendant for failure to furnish him with a seat. *Held,* the defendant is not liable. *Rossman* v. *Georgia Ry. & Power Co.* (Ga.), 91 S. E. 90.

It is part of the carrier's contract to furnish the passenger with a seat. *Graham* v. *McNeill,* 20 Wash. 466, 55 Pac. 631, 43 L. R. A. 300, 72 Am. St. Rep. 121, DOBIE, BAILMENTS & CARRIERS, p. 566. If the carrier fails to furnish the passenger with a seat he may be sued for breach of contract; but the passenger has no right to ride and yet refuse to surrender his ticket, for the contract of carriage is indivisible, and its burden cannot be rejected and its benefits accepted. See *St. Louis, etc., R. Co.* v. *Leigh,* 45 Ark. 368, 55 Am. Rep. 558; *Pittsburg, etc., R. Co.* v. *Van Houten,* 48 Ind. 90. The passenger may be ejected for a failure to surrender his ticket on account of not being able to secure a seat. *St. Louis, etc., R. Co.* v. *Leigh, supra.*

Where persons already in the car occupy more seats than necessary so that none remain vacant, and the conductor refuses to make them move to provide a seat, one who is ejected because he refuses to surrender his ticket unless provided with a seat may recover for his ejection. *Louisville, etc., R. Co.* v. *Patterson,* 69 Miss. 421, 13 South. 697, 22 L. R. A. 259. But if a passenger remains standing in a crowded car during the entire trip he waives his right to a seat, and cannot recover for the fatigue and inconvenience caused by standing. *Weeks* v. *Auburn, etc., R. Co.,* 60 Misc. 400, 113 N. Y. Supp. 636. A person cannot ride a part of the way standing, later secure a seat, and then refuse to pay for the distance traveled while standing; but he may be ejected unless he pays his fare for the entire journey, since the contract of carriage is indivisible. *Davis* v. *Kansas City, etc., R. Co.,* 53 Mo. 317, 14 Am. Rep. 457. Where all other parts of the train are crowded except the smoker it is reasonable to require the passenger to sit there until a seat is vacated elsewhere. See *Memphis & Charleston R. Co.* v. *Benson,* 85 Tenn. 627, 4 S. W. 5, 4 Am. St. Rep. 776; *Pittsburg, etc., R. Co.* v. *Van Houten, supra.* And, as one who boards a car which is standing still for the purpose of receiving passengers thereby becomes a passenger, the same principles would seem to apply to persons who have not secured tickets as to those who have. *Gaffney* v. *St. Paul City Ry. Co.,* 81 Minn. 459, 84 N. W. 304. See 4 VA. LAW REV. 143.

CITIZENS—EXPATRIATION—JOINING FOREIGN ARMY.—The petitioner, a citizen of the United States, moved with his family into Canada and

there joined the British army and swore allegiance to England. Shortly afterwards, he deserted the British army and surreptitiously returned to the United States. He was seized by the immigration officers, who intended to deport him to Canada on the ground that he was an alien. The petitioner sought a writ of *habeas corpus* to secure his release. *Held,* the petitioner is not entitled to the writ. *Ex parte Griffin,* 237 Fed. 445.

It was a maxim of the ancient law that *nemo potest exuere patriam* without its consent, and this was recognized by the early English and American authorities. 1 BLACKSTONE, COMM. 370; *Ainslee* v. *Martin,* 9 Mass. 454; *William's Case,* 2 Cranch 82. But this unreasonable principle, that allegiance to the native land could never be thrown off, was at an early time repudiated both here and in England. *Doe* v. *Acklam,* 2 B. & C. 779. See *Murray* v. *Charming Betsy,* 2 Cranch 64. In fact, it is now enacted by statute in the United States that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness." 4 U. S. Comp. St. 1916, § 3955, R. S. § 1999. Prior to this statute many of the cases held that it was necessary to obtain the consent of the state. See *Ludlam* v. *Ludlam,* 26 N. W. 356, 84 Am. Dec. 193. But such consent was implied if the state raised no objection, and did not regulate the matter by statute. *Alsberry* v. *Hawkins,* 9 Dana (Ky.) 177, 33 Am. Dec. 546. Since the statute, it is held, that it is no longer necessary to obtain the consent of the state. See *Jennes* v. *Landes* (C. C.), 84 Fed. 73. And even now the rights of the citizen and the state are mutual, and the sovereign cannot deprive a person of his citizenship without his consent. See *Burkett* v. *McCarty,* 10 Bush (Ky.) 758. But Congress may constitutionally deprive a citizen of his citizenship as a punishment for crime. *Huber* v. *Reily,* 53 Pa. St. 112.

The mere fact that one has for many years resided in another country is not inconsistent with his remaining a citizen of the United States. *Gilman* v. *Thompson,* 11 Vt. 643, 34 Am. Dec. 741; *Beavers* v. *Smith,* 11 Ala. 20. Nor does a temporary absence divest one of his citizenship. There must be a removal with an intention to lay aside that character and he must actually join himself to some other community. *Murray* v. *M'Carty,* 2 Munf. (Va.) 393. The presumption is that the original status continues until the contrary be shown. *State* v. *Jackson,* 79 Vt. 504, 65 Atl. 657, 8 L. R. A. (N. S.) 1245; *Charles Green's Sons* v. *Salas,* 31 Fed. 106. But one who becomes a subject of another country is no longer entitled to the protection of the United States. *Murray* v. *Charming Betsy, supra.* And the act of taking an oath of allegiance to another country constitutes expatriation. *Browne* v. *Dexter,* 66 Cal. 39, 4 Pac. 913; 4 U. S. Comp. St. 1916, § 3959, 34 Stat. L. 1228. But such a change of country cannot be effected by an oath of allegiance alone: there must be a change of domicile. *Fish* v. *Stoughton,* 2 Johns. Cas. (N. Y.) 407.

A child, born in the United States of United States citizens who remove to another country, retains his citizenship until, on attaining his majority, he divests himself of it by his own act. *Portis* v. *Hill,* 14 Tex.

69, 65 Am. Dec. 99; *State* v. *Jackson, supra.* Formerly, a woman did not expatriate herself by marrying an alien without a change of domicile. *Comitis* v. *Parkerson,* 56 Fed. 556, 22 L. R. A. 148. But, if after her marriage she changed her domicile, she became an alien. *Shanks* v. *Dupont,* 3 Pet. 242. Now it is provided by statute that an American woman marrying an alien takes the nationality of her husband. 4 U. S. Comp. St. 1916, § 3960, 34 Stat. L. 1228. This act is held to be constitutional; and an American woman marrying an alien was held to be expatriated. *Mackenzie* v. *Hare,* 239 U. S. 299.

CONFLICT OF LAWS—DOMICIL—CHANGE OF MUNICIPAL DOMICIL.—The defendant sold his house and went to reside temporarily with a friend in the same county. He afterwards went to another county and rented a house, with the idea of moving there, and took immediate possession of one room in which to store furniture until he could obtain possession of the entire house, which was then occupied. Before he could get possession of the house his wife died at their friend's home. He subsequently moved to the rented house, and took out letters of administration in that county. Later the wife's son applied for letters of administration in the county where his mother died, claiming that her domicile had not been changed. *Held,* the application should be denied, as the wife's domicile had changed. *Carrier* v. *Getchell* (Neb.), 160 N. W. 969. See NOTES, p. 582.

CRIMINAL LAW—VERDICT—PRESENCE OF ACCUSED.—In a prosecution for unlawfully selling liquors, the jury having not yet agreed, the court adjourned and dismissed all of the parties until the next morning. The defendant, who had been present all during the trial, left the court immediately, together with his counsel. Later, before the judge had left the court house, he was informed that the jury were ready to make their return; and, without notice to the accused or his counsel, the court received the verdict finding the defendant guilty as charged. *Held,* that the lower court erred in receiving the verdict in the defendant's absence, as it denied him the constitutional right to be present at every stage of the trial. *Woods* v. *City of Tupelo* (Miss.), 72 South. 879.

At common law, the verdict must be rendered in open court and in the presence of the defendant, in all cases of felony and treason as well as in cases where the jury were commanded to "look upon him," as in larceny and all accusations subjecting him to any species of mutilation or the loss of a limb. 1 CHITTY, CRIM. LAW 636. Now, the uniform rule seems to be that only in capital felonies is it absolutely essential that the defendant be present at the rendition of the verdict, as at every other stage of the trial. *Sherrod* v. *State,* 93 Miss. 774, 47 South. 554, 20 L. R. A. (N. S.) 509. See *Jackson* v. *Commonwealth,* 19 Gratt. (Va.) 656; *State* v. *Dry,* 152 N. C. 813, 67 S. E. 1000. Nor can he waive this right. *Sherrod* v. *State, supra.* And the record must affirmatively show that he was present. *Stubbs* v. *State,* 49 Miss. 716; *Dunn* v. *Commonwealth,* 6 Pa. St. 384. See *Shelton* v. *Commonwealth,* 89 Va. 450, 16 S. E. 355.